

REMARKS

Applicants acknowledge receipt of the first Office Action (after the RCE), mailed 20 FEB. 2004, and request reconsideration of the claims, as amended. The term for response is being extended to 21 JUNE 2004 by extension petition submitted herewith.

Applicants are puzzled by form PTOL-326, indicating that only claims 23-36 and 42-47 are pending, and making no mention of claims 11-13 which were allowed in Paper No. 6, the Office Action of 25 FEB. 2002. Further, although claims 1-10, 14-22, and 41 were withdrawn from consideration as non-elected, they are still pending. The \$1246 RCE filing fee of 15 MAY 2003 was certainly calculated on that basis. Claims 37-40 were cancelled in the Preliminary Amendment of 12 DEC. 2000. Clarification is requested.

CLAIM REJECTION-SECTION 103

Apparatus claims 23-32 and claims 42-47 were rejected as unpatentable over MAKARAN.

MAKARAN/SIEMENS (USP 5,744,921) discloses, as correctly pointed out by the Examiner, an electronically commutated motor with a control circuit having a basic structure (FIG. 2) similar to that of the present invention. As might be expected, many similar temperature-response and fault-handling functions are also present. However, Applicants have detected no mention of transferring "objects" between microprocessor and memory, as recited in main claim 23, nor any mention of an object directory as also recited in claim 23. Please advise if the Office is relying on the MAKARAN

microfiche appendix, not furnished and, if so, please furnish the relevant portion for review by Applicants. From the MAKARAN text furnished, it seems that MAKARAN is directed to an earlier "generation" of microprocessor-controlled motors, before the advent of object-oriented program control. Note that col. 11, line 31, of MAKARAN refers to the 80517 microcontroller, while the present invention prefers the National COP 842 CJ.

See the last item in the IDS filed 12 DEC. 2003 (datasheet).

As the Examiner is doubtless aware, the term "object," as used on specification pages 17-21, has a **very specific meaning** in the microcontroller programming art. Newton's Telecom Dictionary, 15 edition, gives a definition: "an object contains both attributes and method describing how the content is to be interpreted and/or operated upon." Motors today are adapted for many differing installations or purposes, during their production life, and the use of "objects" substantially facilitates the modification of their "firmware" for such differing purposes.

Applicants respectfully submit that it is not obvious how to go directly from the MAKARAN system to the object-oriented system recited in claim 23 and its dependent claims, which has superior flexibility. If it were obvious, more art would be available.

The PHILIPS I²C bus mentioned at specification page 4, lines 13-16, is described in greater detail in MOELANDS/PHILIPS USP 4,689,740, recently the subject of litigation at the C.A.F.C. Applicants detect no mention of this kind of bus in MAKARAN.

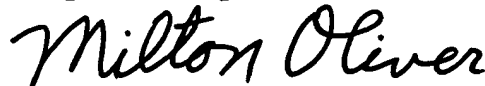
With respect to claims 42-47, these claims are essentially copied from the claims of NAIR USP 6,318,965, issued NOV. 2001; see Amendment of 23 AUG. 2002, REMARKS on page 4. If the Office sincerely believes that MAKARAN USP 5,744,921 makes obvious claims 42-47, a Commissioner-ordered re-examination of USP 6,318,965 would be appropriate. See also APPLICANTS' STATEMENT UNDER 37 C.F.R. § 1.608(a), submitted 26 AUG. 2002.

Claim 32 is directed to a feature disclosed at specification page 15, last paragraph, preferably a Chip Select (CS) lead which controls whether or not data can be written into a memory chip.

CONCLUSION

In view of the foregoing amendments, explanations, and arguments, it is respectfully submitted that the section 103 rejection of claims 23-32 and 42-47 should be reconsidered and withdrawn, and that the allowability of claims 11-13 should be reaffirmed. The pending status of the withdrawn claims should be confirmed. If the Examiner notes any remaining informalities, or wishes to make any suggestions to place the application in condition for allowance, a telephone call to the undersigned is invited.

Respectfully submitted,



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